



COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE



December 15, 2011

TO: Supervisor Zev Yaroslavsky, Chair
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael Antonovich

FROM: Mark Delgado, Executive Director
Countywide Criminal Justice Coordination Committee

SUBJECT: Public Safety Realignment Implementation Update No. 3 – November 2011
(Related to Item S-1 of the August 30, 2011 Board Agenda)

On August 30, 2011, your Board directed the Countywide Criminal Justice Coordination Committee (CCJCC) to work with impacted departments and provide status reports on public safety realignment implementation in the County. This report and the attached data summary provides information captured by departments through November 30, 2011.¹

As requested at the November 15, 2011 Board meeting, departments attempted to capture and organize Postrelease Community Supervision (PCS) data by month of release as much as possible. While some data in this report is organized in this manner, additional modifications to department information systems and data collection processes are needed to capture and organize PCS data in this way on an ongoing basis. Departments are continuing to work toward this goal and will inform your Board of progress in this regard in future realignment reports.

POSTRELEASE COMMUNITY SUPERVISION (PCS)

Pre-release Packets and Screening

- Probation received 1,216 pre-release packets in November. Of the 4,851 packets received through the end of the month, 1,269 included a November release date. The California Department of Corrections and Rehabilitation (CDCR) Law Enforcement Automated Data System (LEADS) indicates that 1,189 individuals were released on PCS in the month of November. The difference in release numbers between pre-release packets and LEADS is likely attributable to pending data entry in the LEADS system. Based on LEADS, 2,228 individuals have been released on PCS to the County since October 1.
- Probation processed 1,125 pre-release packets in November and referred 236 (21%) to the Department of Mental Health (DMH) due to indications in the file suggesting that

¹ The Probation Department will also provide a supplemental report further breaking down the Postrelease Community Supervision data from the October and November release groups.

further screening was warranted. This is consistent with the pre-release screening results in October, when 20% of the packets processed were referred to DMH.

- Of the packets containing a November release date, 21 included requests for special handling. These requests pertain to acutely mentally ill persons for whom the State requests transportation to the County. CDCR also advises the County of Special Housing Unit inmates and validated prison gang members pending release to provide the County the option of transporting the offender.

With special handling requests, CDCR clinicians or physicians determine whether the inmate is capable of using public transportation. If he is, Probation notifies the individual through CDCR that he is responsible for reporting on his own to Probation. If he is not capable of using public transportation because of mental health issues, Probation and DMH work with CDCR to arrange transportation.

CDCR has assisted with transportation in these cases during the early stages of implementation, but the County has been informed that the State can no longer transport in these cases. CDCR will transfer acutely mentally ill persons to the nearest prison facility, and the County will have to arrange transportation from that location.

- As previously reported, one of the bigger PCS challenges is processing the large volume of prerelease packets, particularly given the varying amount of information they include, as well as fluctuating release dates.

To help develop local and State recommendations to respond to County concerns, CDCR staff visited Probation's pre-release center over a two-day period to troubleshoot and assess how CDCR and Probation can streamline and improve processing. CDCR has offered to send a team of staff to Probation's pre-release center in the month of January to further assist in this regard, and arrangements are pending.

CDCR continues to work with the County on solutions for effectively transmitting pre-release information. However, in the absence of a more streamlined solution, Probation and DMH still must request information from 33 different prison locations.

Hub Intake/Assessment and Treatment Services

- In the month of November, 963 Postrelease Supervised Persons (PSPs) reported to Probation hubs for intake and assessment: 116 who had been released in October and 847 who had been released in November.
- Co-located DMH staff at the hubs assessed 268 individuals for mental health needs, including 143 PSPs whose pre-release packets gave no indication of mental health issues. Of those assessed, 47 were determined not to be in need of treatment, 68 refused services, and 153 were referred for mental health treatment.

- In November, 399 PSPs were referred to the Department of Public Health, Substance Abuse Prevention and Control (SAPC) contracted Community Assessment and Service Centers (CASCs) for substance abuse assessments. Show rates at the CASCs continue to be low, with only 56 PSPs confirmed reporting for the month. However, Probation, DMH, and SAPC continue discussions to address issues of client flow and referral processes.

Probation and SAPC continue to work toward modifying the Treatment Court Probation Exchange (TCPX) system to electronically capture PSP referrals to the CASCs, assessment results, and progress reports from treatment providers.

- Department of Public Social Services (DPSS) staff screened 780 November releases for benefits eligibility and referred 569 of them to DPSS offices for potential enrollment in benefits. Of the 569 referred to DPSS offices in November, 229 enrolled in benefits programs, primarily CalFresh and General Relief.
- Probation continues to attempt to identify a potential hub site in the Antelope Valley area to serve PSPs in North County. A previously considered site was determined to be unsuitable due to asbestos and cost issues. Probation is in the process of preparing a formal space request to the Chief Executive Office Real Estate Section so they can initiate a search for a site.

Other Treatment Issues

- DMH and SAPC are exploring with CDCR the implementation of a medication assisted therapy option for opiate addicts returning to the County. Vivitrol – a non-addictive, non habit-forming medication – has proven to be effective in assisting alcohol and opiate abusers succeed in treatment. The medication is administered via injection once a month and blocks the urge to use narcotics and alcohol and their effects.

If it is determined that this is feasible, returning prisoners who choose this treatment would be provided their first dose by CDCR prior to their release from prison. Once returned to the County, subsequent doses would be provided by DMH-contracted clinics.

- As a temporary solution to expedite the provision of support services to the PCS population, the Probation Department continues to negotiate a sole source contract with Walden House for the remainder of Fiscal Year 2011-12.

Violation/Revocation Process and Enforcement Efforts

Since the November 7, 2011 realignment report was provided to your Board, the PSRT's Legal Work Group has refined the processes dealing with warrants, violations, and revocations.

- A total of 95 warrants were issued in November – 60 for PSPs released in October and 35 for PSPs released in November. A total of 24 PSPs with warrants were arrested – 21 from the October cohort and 3 from the November cohort.

PSPs arrested on a bench warrant are taken to court, and the court recalls the warrant. To ensure that the department can determine the appropriate action following the recall of a warrant – including release or detention – Probation has assigned a deputy probation officer (DPO) to the court.

- Probation plans to co-locate five DPOs with the Los Angeles Police Department – one in each bureau – to facilitate communication and collaboration on tracking and monitoring of the PSP population in the city. Probation and the Sheriff's Department are also exploring such a co-location model.
- The Sheriff's Parole Compliance Team and Los Angeles Police Department conducted 64 address verifications, 82 compliance checks, and 139 visits to reported addresses of "no show" PSPs in November.

The Sheriff's Department is finalizing data systems modifications that will enable the department to identify all arrests of PSPs on new charges countywide. This modification will offer critical information to assist with the management of the PSP population in the County.

- The District Attorney's Office has similarly established a process to determine when PSPs are charged with a new crime by the office. Of the PSPs released, 62 have had cases forwarded to the D.A. for prosecution – 45 who had been released in October and 17 who were released in November. The District Attorney's Office is currently sharing this information with Probation.

PSRT will initiate discussions with city prosecuting agencies to determine whether the tracking and notification of misdemeanor filings on PSPs (non District Attorney cases) is also possible.

- The Public Safety Realignment Team (PSRT) has discussed realignment's impact on the Department of Children and Family Services (DCFS). DCFS, Probation, and the Sheriff's Department have initiated discussions to determine how to best share information on PSPs given the new program. In addition, the DCFS Centralized Law Enforcement Liaison and/or Multi-Agency Response Team will coordinate with PCS compliance checks operations to assist with responses to child safety issues that emerge.

Probable Cause and Revocation Hearing Issues

There have been no probable cause or revocation hearings held. Among the revocation operational issues that remain in advance of those hearings are the following:

- Interpreter needs – There is still no mechanism in place for securing interpreters for Probable Cause Hearings. The Chief Executive Office included funding in the realignment budget package for interpreter services, but how a contract for services

would be administered is unresolved. *The Legal Work Group will consider temporary solutions that may be available pending resolution of this issue.*

- Probable Cause Hearings and Revocation Hearings with Competency Issues – The process for handling hearings when a PSP is mentally incompetent to participate in his or her defense is not addressed in the legislation. This is a suggested area for future cleanup legislation. *In the interim, DMH's Court Liaison Program will attempt to link PSPs to appropriate services when a PSP presents mental health issues at a hearing.*
- Subpoena authority – As previously reported to your Board, the ability to subpoena witnesses for probable cause and revocation hearings was not addressed in realignment legislation. This issue should also be addressed in future cleanup legislation efforts. *Pending resolution of this issue, agencies participating in probable cause and revocation hearings will develop their own processes for notifying witnesses of hearings and requesting their participation.*

CUSTODY

Sentences per Penal Code 1170 (h)

Realignment legislation enacted Penal Code 1170 (h), which specifies that certain non-violent, non-serious, non-sexual felony offenders (N3) are no longer eligible for state prison sentences.

- In October, 930 sentences to County jail were made pursuant to PC 1170 (h). In November, 557 such sentences were made. This reduction may be due to the fact that pre-realignment, some defendants were requesting court continuances and delaying sentencing so that they could be sentenced locally under realignment's PC 1170 (h) provision.
- The Sheriff's Department reports that as of December 2, 2011, 97 N3s have been released from jail after having served their full sentence term. In addition, as of December 2nd, 100 N3 inmates have been placed in Community Based Alternative to Custody programs, including 67 assigned as station trustees and 33 on house arrest with electronic monitoring.

Parole and Postrelease Community Supervision Violations

To date, the use of flash incarceration by the Probation Department has been limited to PSPs arrested on a bench warrant, and the impact on the jail population has been minimal. On December 2nd, for example, 10 PSPs were in custody after having been picked up on a warrant. No revocation hearings have occurred, so no PSPs have been sentenced to jail as a result of a revocation.

The number of state parole revocations, which are also served in County jail due to realignment, is significantly higher. On December 2nd, there were 833 sentenced parole violators in County jail.

Honorable Board of Supervisors
December 15, 2011
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Summary of Custody Impact

The Department continues to report that no N3 sentenced inmates have been early released. Furthermore, the increase in inmates from new sentencing and revocation provisions have not resulted in changes to percentage of time served for other sentenced populations. The Sheriff's Department continues to monitor population growth closely, however, as increases in inmate counts are expected to compound each month.

Attachment

c: Chief Executive Officer
Executive Officer of the Board of Supervisors
County Counsel
Public Safety Realignment Team
CCJCC Members
Civil Grand Jury

Public Safety Realignment Implementation Data November 2011

TOTAL

NOV 2011

OCT 2011

Postrelease Community Supervision

Pre-Release Packets

No. pre-release packets received	3,635	1,216	4,851
No. pre-release packets processed	1,369	1,125	2,494
No. pre-release packets deemed ineligible (of those processed)	114	41	155
No. address verifications conducted	207	64	271

PSP Reporting Population

No. PSPs released to County per pre-release packet dates	1,036	1,269	2,305
No. PSPs directly released to County per CDCR LEADS	1,039	1,189	2,228
No. PSPs released to Federal custody with ICE detainer	81	86	167
No. PSPs transferred to L.A. County from other counties	5	6	11
No. PSPs transferred from L.A. County to other jurisdictions	9	7	16
No. PSPs processed at hubs (intake/assessment)	747	963	1,710
No. PSPs by risk tier, as assessed at hubs:			
Low Risk	30	43	73 (4%)
Medium Risk	291	364	655 (38%)
High Risk	426	556	982 (58%)

PSP "No-Show" and Absconder Population

No. "no-show" notifications to Sheriff	46	139	185
No. Sheriff attempts to contact "no-show" PSPs	46	139	185
No. warrants requested for absconders	0*	107	107
No. warrants issued	0	95	95
No. absconders apprehended (warrant pick-ups)	0	24	24
No. of absconders remaining		83	83

* Warrant requests submitted to the Court in October needed additional information and were resubmitted in November.

TOTAL

NOV 2011

OCT 2011

PSP Violations/Revocations/New Charges

No. of Probable Cause Hearings	0	0	0
No. of revocation petitions for warrants (refiled in November due to new process)	0	95	95
No. of petitions for revocations (other than warrants)	0	0	0
No. of Revocation Hearings	0	0	0
No. of D.A. Filings for October releases			45
No. of D.A. Filings for November releases			17

° Includes flash incarcerations used following arrest on a warrant.

PSP Supervision Completion

No. discharges -- 6 months violation-free	0	0	0
No. discharges -- 12 months violation-free (automatic discharge)	0	0	0
No. discharges -- 3 year expiration (maximum term)	0	0	0
No. other discharges (revocation settlement, court order, etc.)	0	0	0

Treatment Services Related Issues

No. pre-release packets received from Probation by DMH	289	236	525
No. health files requested from CDCR	na	na	
No. health files provided by CDCR	na	na	
No. of DMH pre-screened packets	289	236	525
<i>Determination -- no treatment needed</i>	28	30	58
<i>Determination -- substance abuse treatment services only</i>	56	32	88
<i>Determination -- mental health services only</i>	24	30	54
<i>Determination -- co-occurring disorder services needed</i>	181	144	325

OCT 2011 NOV 2011 TOTAL

Pre-screen determinations by level of treatment needed			
<i>IMD/State Hospital (locked facilities)</i>	13	8	21
<i>IMD step down/residential</i>	38	9	47
<i>Intensive Outpatient</i>	94	54	148
<i>Moderate Outpatient</i>	33	54	87
<i>Medication Monitoring and Support Only</i>	21	49	70

No. new PSP assessed at HUB by DMH (pre-screened)	97	125	222
No. new PSP assessed at HUB by DMH (identified at hub assessment)	150	143	293
No. new PSP assessed at HUB by DMH (total)	247	268	515
<i>No. no treatment needed</i>	56	47	103
<i>No. refused treatment</i>	76	68	144
<i>No. requiring substance abuse treatment only</i>	5	15	20
<i>No. referred for treatment</i>	110	138	248

No. of referrals made to:			
<i>Contract providers</i>	76	130	206
<i>DHS facilities</i>	1	0	1
<i>Directly Operated Clinics</i>	33	8	41
<i>Veterans Affairs</i>	1	0	1

<i>IMD/State Hospital (locked facilities)</i>	0	0	0
<i>IMD step down/residential</i>	1	1	2
<i>Inpatient</i>	0	0	0
<i>Intensive Outpatient</i>	89	137	226
<i>Moderate Outpatient</i>	10	1	11
<i>Medication Monitoring and Support Only</i>	4	0	4

TOTAL

NOV 2011

OCT 2011

No. of referrals made to CASCs for Substance Abuse Treatment only assessment	323	399	722
No. of PSPs showing at CASCs for assessment	9	56	65
No. of CASC referrals to:			0
<i>Residential Treatment Services</i>	1	5	6
<i>Outpatient Treatment Services</i>	7	28	35
<i>Sober Living</i>	0	0	0
No. of PSPs entering:			0
<i>Residential Treatment Services</i>	1	4	5
<i>Outpatient Treatment Services</i>	5	18	23
<i>Sober Living</i>	0	0	0

Referrals for other Services

No. PSPs screened for benefits eligibility by DPSS	646	780	1426
No. PSPs who DPSS referred to local DPSS office	489	569	1058
No. PSPs enrolled in:			0
<i>MediCal</i>	2	1	3
<i>General Relief</i>	3	16	19
<i>CalFresh</i>	156	160	316
<i>CalFresh and General Relief</i>	24	51	75
<i>CalWorks/CalFresh</i>	1	0	1
No. PSPs referred to DHS for Healthy Way L.A. screening	291	371	662

TOTAL

NOV 2011

OCT 2011

Custody***Jail Population and Sentencing***

No. sentences pursuant to Penal Code 1170 (h)	930	551	1481
Male inmates sentenced	767	478	1245
Female inmates sentenced	163	73	236
Average length of sentence (months)			25
Average time left to serve (months)			7.5
No. sentenced to "split" sentence	TBD	TBD	
No. convicted of N3 sentenced to probation	TBD	TBD	
No. N3s released after serving full term (as of Dec. 9, 2011)			109
No. N3s currently on alternative custody (as of Dec. 9, 2011)			
No. Station Worker Program			69
No. Work Release Program			0
No. Electronic monitoring/GPS			34
No. Early Release			0

Risk Management and Liability***Realignment Claims/Lawsuits***

No. claims/lawsuits filed with the County for any realignment related functions	0	0	0
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